



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Passed
<b>File created:</b>	11/4/2019	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/4/2019	<b>Final action:</b>		<b>Final action:</b>	11/4/2019
<b>Enactment date:</b>	11/4/2019	<b>Enactment #:</b>		<b>Enactment #:</b>	R-19-490
<b>Title:</b>	Resolution to Approve an Amendment to the Professional Services Agreement with Bergmann Associates for Updates to the FEMA Benefit Cost Analysis for the Allen Creek Railroad Berm Opening Project (\$10,740.00)				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bergmann Amd 3.pdf, 2. Site Plan

Date	Ver.	Action By	Action	Result
11/4/2019	1	City Council	Approved	Pass

Resolution to Approve an Amendment to the Professional Services Agreement with Bergmann Associates for Updates to the FEMA Benefit Cost Analysis for the Allen Creek Railroad Berm Opening Project (\$10,740.00)

Attached for your review and approval, please find a resolution to approve Amendment Number 3 to the Professional Services Agreement (PSA) with Bergmann Associates in the amount of \$10,740.00 for updates to the FEMA Benefit Cost Analysis for the subject project.

**Background:** This project will lower the floodplain depth at the railroad berm near the mouth of the Allen Creek in the vicinity of Depot Street and Main Street, just west of the Ann Arbor Amtrak Station. In addition, the project will install a large culvert beneath the railroad that will provide safe and legal access from the downtown area to the Board to Boarder Trail.

In November of 2018, Michigan State Police-Emergency Management Division (MSP-EM) notified the City Staff that the City has received a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant for the construction of the stormwater portion of the Allen Creek Berm Opening Project. The City has also been awarded a Transportation Alternatives Program (TAP) Grant, a Michigan Department of Natural Resources Trust Fund Grant, and a MDOT STP Urban Grant to fund a portion of the non-motorized elements of the Allen Creek Berm Opening Project.

In order to assist staff in development and preparing the construction plans, a request for proposal for Professional Engineering Services (RFP 984) was issued in September 2016. A team of staff members reviewed the proposals and selected Bergmann based on their professional qualifications, past experience, work plan, interview, and fee quotation. Bergmann was awarded the RFP and completed the design and prepared the construction plans for this project.

On July 15, 2019, City Council approved the construction contract with the Michigan Department of Transportation, #R-19334. Bids were opened for the subject project by MDOT on September 6,

2019. Four bids were received and the low bid for the project was \$6,801,520.00, which was 33% over the engineer's estimate of \$5,111,686.00. This was not unexpected due to the risk associated with this project and the unique nature of this work, including unknown groundwater conditions for dewatering and contaminate mitigation, accelerated portions of the work to meet FEMA grant requirements, railroad involvement including a 24-hour shut down that requires the coordination of a substantial amount of work in a short timeframe, and a tight urban space with limited access. The project team reviewed the bids from all four contractors and found they all accounted for the project risk in various lump sum items, and that the low bidder was consistently lower on critical items of work.

Due to the increased construction costs, the project may be eligible for additional FEMA funding. FEMA requires an updated benefit cost analysis be completed to request additional funding. The project team estimates the project may be eligible for an additional \$1,000,000.00 in funding if the benefit cost analysis is favorable. Bergman completed the first benefit cost analysis and is fully familiar with the project, its requirements, has the competitive fee schedule, and has the "institutional memory" to quickly provide the needed information or resources.

Budget/Fiscal Impact: City Council initially approved \$612,656.50 for the engineering consulting services plus up to \$62,000.00 for change orders, for a total of \$674,656.50 with Bergmann Associates for this project. Amendment Number 1 authorized \$59,400.00 of the \$62,000.00 in contingency funds previously approved by City Council to finalize the design engineering phase of this project. Amendment Number 2 was approved by City Council for \$34,920.00 for construction support services. Amendment Number 3, which will be funded via the City Share Storm Capital Budget as indicated below, brings the new total contract with Bergmann Associates to \$717,716.50.

The breakdown of estimated project costs has been updated post construction bids. The revenues from grant funding is still shown as previously assumed and the storm water financial model has been updated based on current operational and capital planning information, resulting in the necessary funding being identified to cover the construction overage. If the benefit cost analysis is favorable the FEMA funding revenue would increase and the City Share Storm revenue would decrease. The project team estimates the project may be eligible for an additional \$1,000,000 in FEMA funding if the benefit cost analysis is favorable.

Estimated Project Cost

Construction Costs	\$6,801,520.82
Construction Contingencies	\$ 680,152.08
Design Costs & Easements	\$ 958,859.00
Construction Engineering	\$ 700,000.00
Fiber Optic Force Account Costs	\$ 139,147.43
Estimated Amtrak Engineering & Force Account	<u>\$ 160,000.00</u>
TOTAL	\$9,439,679.33

Estimated Revenue

MDOT TAP	\$ 971,250.00
WATS STP Urban	\$ 315,000.00
FEMA Funding (Design & Construction)	\$3,712,332.00
DNR Trust Fund Grant	<u>\$ 300,000.00</u>
Outside Funding sub-total	\$5,298,582.00

City Share Storm Capital Budget	\$2,898,768.13
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City Share Alt. Transportation Capital Budget	<u>\$1,242,329.20</u>
City Funding sub-total	\$4,141,097.33
TOTAL	\$9,439,679.33

Prepared by: Nicholas S. Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Allen Creek Railroad Berm Opening is included in the 2018-2023 Capital Improvements Plan (CIP);

Whereas, It is desired to create openings in the railroad berm to accommodate passage of floodwaters and to allow pedestrians to cross safely under the railroad to access the park facilities to the north;

Whereas, On January 3, 2017 (R-17-004) a professional services agreement with was awarded to Bergmann Associates for \$612,656.50 for professional engineering consulting services plus up to \$62,000.00 for change orders, for a total contract amount of \$674,656.50;

Whereas, Additional services are required from Bergmann Associates to update the benefit cost analysis for the stormwater portion of the project in order to be eligible for a potential additional \$1,000,000.00 in FEMA grant funding;

Whereas, Bergmann associates has demonstrated the required experience, professional qualifications, and competitive fee schedule for the required services; and

Whereas, Bergmann Associates is in compliance with the requirements of the City's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That Amendment Number 3 to the Professional Services Agreement be approved with Bergmann Associates in the amount of \$10,740.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Amendment Number 3, after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.